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8 UNITED STATES DISTRICT COURT
9
10 NORTHERN DISTRICT OF CALIFORNIA

11 MARYLON BOYD, individually and as
Executor of the Estate of CAMMERIN
12 BOYD, deceased, ISABEL GONZALEZ,
a minor by and through her Guardian Ad
13 Litem, Isela Gonzalez, and KANANI
BOYD, a minor by and through her
Guardian Ad Litem, Kamilah Boyd,

14 Plaintiffs,

15 vs.

16 CITY AND COUNTY OF SAN
17 FRANCISCO, HEATHER J. FONG,
WILLIAM ELIEFF, GREGORY KANE,
18 JAMES O'MALLEY, TIMOTHY PAINE,
STEVEN STEARNS, and DOES 1 TO 10,
19 inclusive,

20 Defendants.

Case No. 04-5459 MMC

**[PROPOSED] ORDER GRANTING
MOTION TO COMPEL DEAIRIES
JEFFERSON TO ATTEND HIS
DEPOSITION AND TO ANSWER
QUESTION TO WHICH HE
PREVIOUSLY REFUSED BASED ON
A CLAIM OF FIFTH AMENDMENT
PRIVILEGE**

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22 After proper notice to all parties, DeAaries Jefferson and his attorney of record, Defendants'
23 motion for contempt came on regularly for hearing before the Honorable Joseph C. Spero, United
24 States Magistrate Judge, United States District Court, 450 Golden Gate Avenue, San Francisco
25 California. Deputy City Attorney Blake Loebs appeared on behalf of Defendants, the moving parties.
26 No one appeared on behalf of Plaintiffs or Mr. Jefferson. This Court construed this motion as an
27 application for an order compelling Mr. Jefferson to attend his deposition and answer questions
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1 previously posed to which he refused to answer based on the Fifth Amendment. After consideration
 2 of all papers filed for this motion, the pleadings in this case and oral argument, the Court orders as
 3 follows:

4 **FINDING:** The Court hereby finds that *no there has been no showing that any of the* to the extent DeAaires Jefferson may have had any
 5 Fifth Amendment privilege against self incrimination as to any question posed to him at his deposition
 6 of March 3, 2006 pertaining to the above-referenced matter, Mr. Jefferson has waived that claim of
 7 privilege as to those questions and any follow-up questions based on his failure to provide any basis
 8 for his assertion of that privilege pursuant to Defendants' motion for contempt / to compel.

9 **ORDER:** DeAaires Jefferson is hereby ordered by this Court to attend his deposition in
 10 the above-referenced matter and answer each question to which he previously refused to answer
 11 based on his assertion of the Fifth Amendment and any follow-up questions. Mr. Jefferson is ordered
 12 by this Court to attend his deposition on or before June 27, 2006 at 10:00 a.m. at the offices of the
 13 San Francisco City Attorney, 1390 Market Street, Suite 600, San Francisco California. If Mr.
 14 Jefferson is unable to attend the deposition at that location due to his incarceration, he is to attend the
 15 deposition on or before the above time at the location of his incarceration.

16 **IT IS FURTHER ORDERED THAT:** Should Mr. Jefferson fail to attend his deposition as
 17 ordered by this Court or fail to answer the questions that were previously posed at his previous
 18 deposition to which he asserted a Fifth Amendment privilege and any follow-up questions,
 19 Defendants may apply for certification by this Court for findings of contempt against Mr. Jefferson.
 20 Should Mr. Jefferson be held in contempt, he could face civil and /or criminal penalties.

21
 22 DATED: June 13, 2006

23 By: 
 24 HON. JUDGE JOSEPH C. SPERO
 25 United States District Judge
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